

**Hearing Report
August 10, 2005**

**General Permit for the Discharge of Wastewater
Associated with Food Preparation Establishments**

Hearing Officer:

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I. Introduction

The uncontrolled and/or inadequately controlled discharge of fats, oils and grease into municipal sanitary sewage systems has been a cause of significant numbers of raw sewage overflows resulting in both public health risks and negative impacts to Connecticut waterways.

The Commissioner of Environmental Protection is authorized by section 22a-430b of the Connecticut General Statutes (CGS) to issue a general permit “for a category or categories of discharges regulated pursuant to section 22a-430 of the CGS”. The discharge of fats, oils and grease from food preparations establishments meets the criteria established in section 22a-430b(a)(1) of the CGS because the discharge involves the same or similar types of operations, and the same type of wastes, requires the same effluent limitations, operating conditions of standards, and requires the same or similar monitoring. The issuance of a general permit will provide a statewide mechanism to address fats, oils and grease discharges and will reduce the number of raw sewage overflows.

II. Administrative Requirements

In accordance with section 22a-430 of the CGS, the Commissioner issued a public notice of intent to issue the “General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments that Discharge to Sanitary Sewers”. Such public notice was published in five major Connecticut newspapers (Connecticut Post, Hartford Courant, New Haven Register, Norwich Bulletin and Waterbury Republican-American) on August 6, 2004 with a thirty day comment period. During the comment period, comments were received including two requests for a public hearing. One request sought a public hearing “in the best interest of the public” while the second request included a petition signed by at least twenty-five persons. As a result of those two requests, the Commissioner issued a notice of a public hearing dated October 25, 2004. Such notice was published in the same five major Connecticut newspapers on October 28, 2004. A public hearing was held on December 1, 2004 in the Phoenix Auditorium of the Department’s offices at 79 Elm Street, Hartford, CT. The hearing was initiated at 9:00 am and ended at approximately 10:30 am. The hearing was attended by approximately 50 individuals, 17 of which present oral comments. The public comment period closed at the end of the hearing.

Following the public hearing, the Department has considered all written and verbal comments received as a result of both public notices and has prepared this hearing report.

III. Background

In 1998, the Department initiated its efforts to minimize or eliminate sewage overflows caused by fats, oils and grease (FOG) blockages by awarding funding to the City of Torrington to conduct a regional study on this matter. With the assistance of Wright-Pierce and Community Compliance, consultants to the City, and the Torrington Area Health Department, the City concluded several years of study with the completion of a report titled “Guidance Document For The Management of Fats, Oil and Grease From Food Preparation Establishments in Connecticut”. The report recommended the development of a state-wide general permit to be issued by the Department as the administrative mechanism to control FOG that is discharged to sanitary sewers.

The Department has pursued the issuance of a general permit for the control of fats, oils and grease from food preparation establishments to eliminate overflows associated with grease blockages for the following reasons:

1. Environmental and health impacts of raw sewage overflows

Documentation of bypasses caused by fats, oils and grease has been provided by bypass reports submitted to the Department by the municipality in which a bypass occurs. Bypass reports are written reports that document when sewage leaves its space of intended confinement and the reports identify the cause of the bypass. For the period from January 2002 through June 2004, 258 sewer overflows caused by blockages were reported to the Department. Of these overflows, 70% or 178, were caused by FOG. This results in an average of six FOG overflows per month.

Blockages which causes raw sewage overflows into rivers and streams result in environmental impacts, violate water quality standards and can be a serious health risk to anyone coming in contact with the water. Blockages that result in raw sewage backing up into basements of homes and commercial buildings is a serious public health risk and result in business closures and displacement of homeowners until expensive cleaning and repair are made.

2. Pollution Prevention-Controlling FOG at its Source

Municipalities, because they are responsible for the ownership and maintenance of the sanitary sewers, must respond to blockages and must provide all necessary cleaning of sewer lines to attempt to prevent blockages. Responding to the blockages can cost a municipality between \$2,000 and \$25,000 per incident. In known areas of FOG discharges, municipalities may be required to jet-rod and clean out accumulated grease on a weekly basis to maintain sewage flow and prevent overflows from occurring. Weekly cleanings are far in excess of normal cleaning cycles of every two or three years and represents a significant increase in maintenance costs. Because sewage pump stations can act as grease traps, municipal operators must pump out and dispose of FOG that accumulates in municipal pump stations. Municipalities are also faced with damage claims from residents and commercial owners when sewage backs up into basements. Damage claims can easily range from \$20,000 to \$50,000. Sewage overflows also expose municipalities to potential fines because they own and operate the sanitary sewers. Three municipalities have recently incurred fines for raw sewage overflows. In each case, blockages from FOG were the cause for portions of the overflows for which enforcement actions were sought. For all the expenses noted above, the municipality pays by way of general taxation or user fees. Therefore, presently all tax payers or users share the burden of increased cost from uncontrolled FOG discharges. It is more practical and ultimately more cost effective to have the generator of FOG control the FOG discharge.

3. Impacts on Treatment Plant Operations

Excessive FOG, especially on smaller treatment plants, has created treatment plant upsets in the past resulting in water quality impacts and permit violations. Excessive FOG at larger facilities can cause a lessening of treatment plant efficiency which is detrimental to the environment.

4. Future EPA Regulatory Requirements

EPA has been developing two new rules for some time now, both of which will seek reductions in bypasses. The first is the SSO Rule (sanitary sewer overflow rule). The second is CMOM (Capacity, Management, Operation and Maintenance of sewers). Both of these rules will require municipalities to control FOG. A state-wide general permit will provide a useful tool to assist all 130 municipalities with sanitary sewers with compliance with future EPA rules.

5. Municipal Requests for Help

Water pollution control administrators and wastewater operators have requested assistance from the Department to help them address FOG discharges. These local officials see the general permit as a “tool” that they can use locally to properly control FOG.

IV. Summary of the General Permit As Proposed for Public Hearing

The general permit as proposed for hearing:

- A. Established the eligible activity covered by the permit as a discharge from Class III and Class IV food preparation establishments (FPE) to a sanitary sewer.
- B. Established the geographic area as the State of Connecticut for all sites connected to sanitary sewers.
- C. Established a compliance schedule for new FPEs as the time of initiation of the discharge and for existing FPEs as of January 1, 2008.
- D. Established technical treatment requirements including what kitchen facilities need to be connected to a treatment unit and the technical standards of the treatment units themselves.
- E. Established effluent limitations on the discharge as well as best management practices and reporting and record keeping requirements.

The full text of the general permit as proposed for public hearing is attached as Appendix A.

V. Summary of Proposed Major Revisions to the General Permit as a Result of Public Comment

During the public comment period on the proposed issuance of the general permit, the Department received 12 letters of comments. During the second public comment period and at the public hearing, 17 speakers offered verbal testimony with 12 speakers submitting written comments into the record.

Every municipal official that submitted testimony supported the proposed general permit. This included support from the Connecticut Water Pollution Abatement Association (CWPA). The CWPA is the professional organization of wastewater operators in Connecticut. Municipal support was consistent regardless of the size of the municipality or the size of their wastewater facilities.

There was also a consensus from the regulated community that a better management structure for the control of FOG than that which exists now was warranted and that the impacts

on the environment and human health from bypasses need to be addressed. However, the method of achieving the better management structure was questioned by the regulated community through their specific comments.

The major focus of comments received seeking changes to the proposed general permit fit into one of the following topic areas: 1) extension of the compliance date, 2) leniency for small “mom and pop” facilities, and 3) the cost of compliance is excessive in large part due to requiring outdoor passive grease traps.

After a comprehensive review of all the comments, the Department is recommending three major changes to the general permit. The revised general permit strikes a balance between protecting public health and the environment while addressing the concerns of many of the regulated community.

Major revisions to the proposed permit include the following:

- The timeframe for general compliance will be doubled from January 1, 2008 to July 1, 2011. However, to ensure that municipalities have appropriate tools to address FOG control during the next six years, three triggers would require an earlier compliance date including: 1) change in ownership of an FPE, 2) a major renovation of an FPE or 3) a designation of a sewer area by the municipality as a problem area. The increase in time allows FPEs to set aside funds over a longer period of time making the capital costs more manageable, even for small FPEs;
- Eliminate the mandate for an outside passive greasetrap by making automatic grease recovery units (AGRU) equivalent to outside passive grease interceptors as a means to control FOG and allowing the selection of either unit to be made by the food preparation establishment. AGRUs have a lower capital cost than outside passive traps. Staff have researched the issue and found that final installed costs from several typical food preparation establishments for AGRUs ranged from \$2,800 to \$3,300 per facility – a reasonable sum over a six year period. In addition, re-plumbing expenses including working in concrete floors can be eliminated with the use of multiple AGRUs for grocery stores and other very large kitchens.
- Allow the local authorized agent to grant a waiver from the treatment requirements of the general permit when the FPE’s discharge is small and is likely to have minimal FOG quantities due to the nature of the food prepared. This would give the local authorized agent the ability to exempt small nonprofit kitchens and other operations that do not generate significant FOG.

Three other broad program issues were also raised which include: 1) that the Department is ahead of other states in seeking control of FOG; 2) that the permit should be implemented regionally only when a fract tank has been installed within the region; and 3) that the Department should not seek enforcement action against an FPE if a grease trap cleaner hired by the FPE improperly or illegally disposes of the grease trap materials.

The Department is taking a comprehensive approach to addressing the environmental and human health problems associated with FOG. The Department is aware of many county-wide or municipality-wide grease management programs throughout the country. Another aspect of the Connecticut General Permit for which the state will be a national innovator is the coupling of the

creation of final disposal facilities for the collected grease with the requirements to install grease trap/interceptor. The availability of proper disposal locations will make compliance with the permit more achievable for the food preparation facilities and will not put grease trap/interceptor cleaners in the undesirable situation of having to find an acceptable disposal location on their own. Connecticut will also be a leader in converting a waste product (fats, oils and grease) into a useful energy source as a fuel at municipal sewage sludge incinerators. Dependency on fuel oil or natural gas will be reduced with the utilization of concentrated FOG as a fuel.

With the extension of the compliance timeframe, the Department will have ample time to work with municipalities to site additional regional disposal sites beyond the two currently in operation. The Department has received commitments from three additional municipalities to construct new sites in 2005, 2006 and 2008 and will continue to secure additional sites with others beyond these three new ones. Therefore, the Department staff is not recommending rolling out the permit based upon regional disposal site availability.

The liability and responsibility for proper disposal of grease trap materials once pumped out of the trap by a grease trap cleaner rests with the grease trap cleaner. Therefore, if enforcement action for improper or illegal disposal of the pumped grease trap materials is necessary, the Department will seek enforcement action against the actual discharger of the grease trap materials to the environment.

VI. Specific Comments and Responses Thereto on the General Permit as Proposed for Public Hearing

Comments Related to Major Revisions

1. **Comment:** The period for compliance should be extended beyond January 1, 2008, with the inclusions of earlier triggers for compliance for a change in ownership or major renovation.

Response: The time period for compliance appears to be at the crux of the debate between the balance of planning for and paying for the capital improvements and the need to address environmental impacts and public health risks from raw sewage overflows attributed to FOG blockages. While the design and construction steps of implementing a grease trap/interceptor can be implemented in a short time frame, it is the financial planning and ability to secure the funds that is a major concern for the FPE's. However, where there are raw sewage overflows and excessive maintenance imposed on the municipalities to prevent or reduce overflows, action is needed in a shorter time frame.

A balance between protecting human health and the environment where current problems exist against the costs of compliance for all FPEs needed to be found. After careful consideration, an extension of the time of compliance from January 1, 2008 to July 1, 2011 is proposed coupled with three triggers that would establish earlier compliance dates in certain circumstances. Two of the triggers were recommended in testimony. These included a new compliance date with a change in ownership as well as a major renovation to the facility. The third trigger was developed to respond to the need to correct significant problems without waiting six years. The third trigger will allow the authorized agent to designate an area or areas of the sewer system as problem areas and to require compliance at an earlier date.

Recommended Change: Section 5(a) has been replaced with the following:

(a) Compliance Schedule

A permittee shall assure that every authorized discharge is conducted in accordance with the following schedule:

- (1) A facility, which begins discharging after the effective date of this general permit, shall comply with all conditions of this general permit before initiating such discharge.
- (2) Facilities with a grease trap/interceptor not in compliance with Section 5(b) shall comply with all conditions of this general permit no later than July 1, 2011 with the following exceptions:
 - (A) A change in ownership of the facility shall require compliance with all conditions of this general permit within 60 days of the change in ownership.
 - (B) A major renovation of the facility shall require compliance with all conditions of this general permit as part of the renovation.
 - (C) The authorized agent may, as necessary, designate an area or areas of its sewer system as a problem area related to fats, oil and grease. Such designation shall be made as a formal action of the authorized agent based upon evidence of excessive fats, oils and grease including sanitary sewer overflows, excessive maintenance or means of inspection. Upon notification by the authorized agent, any food preparation establishment within the problem area designation shall comply with all conditions of this general permit within a time schedule established by the authorized agent if the authorized agent deems it necessary to protect the sewer system, public health or the environment.

Section 2. Definitions has been amended by adding the definition for “change in ownership” and “major renovation” as follows:

“Change in ownership” means a change in warranty deed or lease agreement.

“Major Renovation” means any physical modification of a facility’s food preparation area, food service area and/or dining area in excess of \$20,000 in any one calendar year. The dollar value shall be the sum of all renovations for all building permits issued to the facility in a calendar year for the food preparation, food service and dining areas.

2. Comment: There is a concern that the requirement to install an outdoor in-ground grease trap/interceptor for existing food preparation establishments is overly burdensome and will be too restrictive.

Response: The Department’s goal in structuring the proposed permit with a tiered approach of outside, in-ground grease trap/interceptor followed by a AGRU followed by “other approved unit” was to give preference to the passive interceptor that requires limited permittee maintenance and contracting pump outs. This tiered approach factored in site constraints while minimizing capitol costs. It also assumed that operation and maintenance costs for either the passive trap or AGRU were similar. Given that the Department’s objective is to reduce FOG discharge, if an FPE is willing to commit to maintaining an AGRU, it is an acceptable alternative. The Department plans to create a guidance manual for FPEs that will provide guidance on the pros and cons of both the passive outdoor traps and the AGRUs including purchase costs, installation costs, maintenance costs, disposal costs and maintenance requirements and responsibilities. AGRUs may have an advantage of reduced, long-term

disposal costs because the pump-out volume is the FOG only and not the added water and food particles in a passive trap. An educated FPE, knowing all the factors, can make a better choice of which unit to install under their particular circumstances while still achieving the required effluent limitation.

Recommended Change: The outside, in-ground grease trap/interceptor and AGRU will be considered equals and the selection of which to utilize will be made by the FPE. Section 5(b) has been amended by including a new opening paragraph as follows: “An authorized discharge shall meet the specifications in either (1) or (2) of this subsection; however, the permittee may request the use of other units as established in Section 5(b)(3) of this general permit.

3. **Comment:** Is there a more equitable way (in terms of financial impact to FPEs) in which to address the differences in ability to pay between Class III or IV food preparation establishment (FPE)?

Response: The Department has evaluated this request in a number of ways. Unfortunately, there is no viable and practicable method to judge and rank the amount of FOG discharged from each FPE. Variations in menus, kitchen practices, and volume of business will all effect the amount of FOG discharge. The amount of FOG does not relate to the ability to finance the grease traps/interceptors and maintenance expenses. Likewise there is no viable method to measure ability to finance FOG equipment against the volume of FOG discharged. The ability to finance FOG equipment relates to both volume of business and profit margin. The Department considered utilizing gross receipts as a measure of ability to finance, but a number of FPE’s expressed concern that it was not a workable or equitable method. Representatives of two AGRU manufacturers have stated to Department staff that in more than 10 years of business, they have never experienced an FPE going out of business as a result of FOG pretreatment requirements. AGRUs can be outright purchased or can be leased from the manufacturers or other suppliers. Leasing of restaurant equipment is a common practice. To address the issue of ability to pay, the Department has agreed to extend the compliance date from 3 years to 6 years. The longer compliance window coupled with establishing AGRUs on a par with outside grease traps (AGRUs likely to have a lower capital cost) will allow FPEs to create a capital improvement plan. For FPEs that may have menus with limited grease potential, limited operating hours or limited meals service, the permit allows for the approval of an “other approved unit” if the permit can demonstrate that the other limit can reliably meet the effluent limitations of the general permit. These other approved units may require daily maintenance; however, the daily maintenance burden may be an acceptable trade-off to secure a lower capital cost. In addition, a new Section 5(b)(4) has been proposed titled “Diminimus Discharges”. This section will authorize the authorized agent to waive the treatment requirements of Section 5(b) if there is limited potential for FOG in the discharge. Based upon input from the Torrington Area Health Department, it is estimated that approximately five percent of all Class III and Class IV food preparation establishments would qualify under both Section 5(b)(3) or 5(b)(4).

Recommended Change: With the changes in compliance schedule, establishing AGRUs on a par with outside passive traps, and the new section on diminimus discharges, the Department does not recommend any further changes. Any FPE over a six year period should be able to set aside funds for an AGRU with complete installation costs of approximately \$3,000 (approximately \$42.00 a month).

4. **Comment:** Funding is needed for churches and not-for-profit businesses to help them comply.

Response: The Department is cognizant of both the financial situations of non-profits and that some may have functions only occasionally, such as once or twice a month. However, some not-for-profit businesses may operate daily serving hundreds of meals, such as soup kitchens, and are likely to be sources of significant grease due to daily operation and the volume of meals served. Therefore, each situation will need to be evaluated. The Department does not have any funding that private, non profits would be eligible for.

Recommended Change: The changes outlined in responses 1, 2 and 3 above have addressed this comment.

5. **Comments:** In the case of older businesses having to make alternations to kitchen facilities to comply, it is likely some will have to close their doors while modifications are made.

Response: Establishing AGRUs as an equal to an outdoor, in-ground grease trap for existing businesses and allowing the FPE to decide which to install creates greater flexibility. Installation of the AGRU or internal plumbing changes can be made at night or in the early morning prior to opening for business. An AGRU manufacturer has informed the Department that in twenty years of experience, they have always founds ways to keep businesses in operation during installations as well as stating they have never seen a business close because of FOG control.

Recommended Change: None.

6. **Comment:** With respect to “use of other than an outdoor in-ground grease traps/interceptor or an AGRU”, what does the state have in mind as “other approved units”?

Response: “Other approved units” may be new technology that is developed in the future or in isolated circumstances where the potential for FOG is minimal due to the menu or volume, the use of a grease interceptor with limited capacity that fit under sinks may be accepted. It is expected that these other approved units would be utilized on less than 5% of all the food preparation establishments. Further clarifications will be provided in the Resource Manual and in training sessions to be conducted once the permit is issued.

Recommended Change: None.

7. **Comment:** It is suggested that the permit be revised to offer existing facilities greater flexibility, such as effluent parameters or inspection and maintenance programs to meet the same requirements.

Response: Greater flexibility for existing facilities is proposed by establishing the outdoor, in-ground grease trap/interceptor and the AGRU as equals and allowing the selection of either to be made by the FPE.

Recommended Change: None.

8. **Comment:** If the permit is not phased in a reasonable way or some accommodations not made for establishments in older buildings, inner city areas will be penalized.

Response: The Department has proposed changes including a new compliance date of July 1, 2011, allowing for waiver of treatment for diminimus discharges and establishing AGRUs and outside, passive traps as equals.

Recommended Change: No additional changes.

9. **Comment:** A commentor suggested grandfathering existing establishments, perhaps with a January 1, 2010 deadline for smaller food preparation establishments?

Response: With the extension of the compliance date to July 1, 2011 the final compliance date for smaller food preparation establishments will be beyond that recommended by the commentor.

Recommended Change: None.

Program Issues

1. **Comment:** If a hauler chooses to dispose of a permittee's FOG illegally or improperly, the Department has indicated that the permittee will be held responsible as well as the hauler. Reconsideration of this position is requested.

Response: The position stated above was made in an informational meeting between the Department and members of the Connecticut Food Association and Connecticut Restaurant Association. The position was established in response to a question asked at the meeting without the benefit of any collaboration with other Department staff. Upon further review of the issue and collaboration within the Department, the Department has refined its position. Permittees are not responsible for illegal or improper disposal of FOG by a grease trap/interceptor cleaner provided the permittee complies with Section 5(d)(5) of the general permit. The permittee, when hiring a grease trap/interceptor cleaner and before the cleaning occurs, has the ability to evaluate if the cleaner complies with Section 5(d)(5). When the permittee has complied with Section 5(d)(5) and the cleaner has left the FPE site, the permittee is not longer responsible for the actions of the cleaner.

Recommended Change: Section 5(d)(5) will be altered as follows: "the permittee shall only hire grease trap/interceptor cleaners as defined in Section 2".

2. **Comment:** The feasibility of tying in a geographical rollout (varying compliance dates for different geographical areas) based on projected disposal facilities construction and operability is a suggestion worth exploring.

Response: The Department evaluated the suggestion and determined it not to be feasible. Implementation of the program would be segmented and would require far more extensive administrative time. Because the Department cannot order municipalities to construct the fract tanks, the Department cannot control the schedules, size or service areas of each system. Leaving the implementation of a statewide program up to the actions of individual municipalities is not acceptable. Municipalities are not likely to construct a regional disposal site until they are sure there will be users to help them recover the capital costs. If the permit is not in effect in an area of the state because there is not a regional disposal site, the incentive to construct the regional disposal site disappears and the permit is not implemented. In summary, the department is confident that demand for disposal will drive the necessary number of regional disposal sites and is committed to working with municipalities to insure adequate disposal locations are available.

Recommended Change: None.

3. **Comment:** The development of sites for disposal of the pumped grease traps should be facilitated by the state.

Response: The Department has worked with municipal officials to establish regional disposal sites and is cognizant that additional sites are necessary. The Department conducted a meeting in October of 2004 with 15 municipalities recommended by CSDA (CT Sewage Disposal Association, the organization of septage haulers) as the best locations for sites based upon hauling distances. At this meeting a number of the municipalities spoke favorably of becoming regional sites and agreed to investigate the situation further. However, municipalities are not

likely to commit to construct facilities until the general permit is issued and a steady stream of FOG is assured. With a revised compliance date of six years, new facilities can be operational well in advance of the compliance dates. It is possible that some food preparation establishments that comply early in the compliance period may need to haul longer distances in the first year or so. However, this should not be long-term and should not alter the proposed program. It is important to stress that Connecticut has, as part of the FOG program, created a beneficial disposal mechanism for FOG.

The Department is offering to help finance regional disposal sites through the Clean Water Fund (CWF). CWF funding at a 20% grant on grant eligible costs and a 2% low interest loan on the remaining project costs is available to municipalities on a first-come, subject to bond commission approval, first served basis from the FY05 Priority List and will be considered in the FY06 and 07 Priority List as well. As of February 2005, one additional municipality is preparing to request FY05 funding while two others have committed to regional disposal sites in 2006 and 2008.

4. **Comment:** The state should establish standard tipping fees for the disposal of grease trap/interceptor pumpouts at the regional disposal sites.

Response: Each municipality that constructs and operates a regional site has the right to recover its operating and capital expenses through a tipping fee based upon its incurred costs. Whereas the operating and capital expenses will vary from municipality to municipality, it is expected there would be varying tipping fees. This situation already exists with tipping fees related to septage and there is no need for the state to intervene. The variations in tipping fees are not substantial enough to cause haulers to haul longer distances, therefore perhaps saving on tipping fees but increasing hauling fees.

Recommended Change: None.

5. **Comment:** A concern has been expressed that Connecticut FPEs could face a significant cost of compliance that would not be incurred by similar businesses in other states.

Response: The issue of control of FOG is not being addressed solely in Connecticut. On the national level, EPA has drafted two new programs that will require municipalities to focus more resources on their wastewater collection systems. This focus is as a result of dry weather overflows (sanitary sewer overflows) by all causes including those blockages caused by FOG. At the national level, EPA estimates that 60% of all blockage are caused by FOG. The federal programs are CMOM (Capacity, Management, Operation and Maintenance) and SSO Rules. Each of these national programs will require municipalities to develop local programs to reduce and eliminate blockages and overflows.

Through the adoption of this statewide general permit and the creation of final disposal locations for grease trap pumpings, the state will be assisting all Connecticut municipalities with sewers. This general permit will be a tool that each municipality can build their CMOM program around for the issue of blockages. EPA is also taking enforcement actions against counties and municipalities across the country to enforce the control of FOG. EPA has also informed the Department that potential SSO enforcement action is being considered against several Massachusetts municipalities. The injunctive relief required by EPA in the settlement of SSO cases has included those components of the CMOM program that relate to blockages and overflows. The Water Environment Federation, the national organization of water quality professionals has sponsored or co-sponsored several national training courses on the

development of FOG management control programs. The latest national conference was held in Boston, Massachusetts in September, 2004. At the regional level, New England Interstate Water Pollution Control Commission sponsored two training programs for municipal officials in Concord, New Hampshire and Sturbridge, Massachusetts in February 2005 on the control of FOG. A future FOG conference is being prepared for the fall of 2005 by the New England Water Environment Association. The information provided above dispels the notion that the state of Connecticut is years ahead of other states in addressing the control of FOG and that FPEs in other states are not or will not face similar regulatory programs. With the revisions to the proposed permit, capital costs to FPEs can be less than \$50.00 per month. FPEs in neighboring states are facing the same pressures for control of FOG with similar expenses.

Recommended Change: None.

6. **Comment:** CBIA (Connecticut Businesses and Industry Associations) believes the infrastructure issues which the draft general permit seeks to address are genuine. As an alternative to the Department's approach of mandating significant capital investments, CBIA suggests a three-tiered approach as follows 1. Better utilize existing local and regional authority, 2. Public education and 3. Adopting a performance based general permit that may call for modest, baseline technologies.

Response: The current infrastructure issues that the general permit is proposed to address is as a result of reliance upon existing local and regional authorities. Individual municipalities have not been able to effectively deal with FOG issues for the last twenty years. This is in spite of increased attention to FOG and increased attention to bypasses of the sewer system. Municipal wastewater officials are frequently not able to overcome political realities when they propose more stringent ordinances that require the expenditures of funds from their local businesses. Those few that have been somewhat successful have focused on new food preparation establishments (establishing stricter requirements for effective grease traps) and only those existing food preparation establishments that have caused a direct and documented problem in an immediate downstream sewer. This partial approach does not address impacts on pump stations or the wastewater treatment plant itself which can suffer from the accumulation impacts of FOG discharged. The Department agrees that public education is one tool out of many tools that can and should be utilized for FOG control. Public education can be targeted at both residential customers as well as food preparation establishments. The Department has prepared a Guidance Document and Resource Manual to aid municipal officials in the implementation of a FOG control program. One chapter within the document specifically addresses public education. In addition, the Department intends to produce a second Guidance Document and Resource Manual geared specifically to food preparation establishments. The Department believes the general permit is a performance-based permit with the inclusion of specific effluent limitations. What may appear as technology driven requirements (Section 5(b) of the permit) were deliberately included to promote consistency in all municipalities, to promote clear alternatives that will comply with the effluent limitations, to prevent FPEs from having consultants charge them fees to analyze alternatives and to promote a rapid understanding of acceptable alternatives that will not require costly monitoring of the effluent to demonstrate compliance. The technologies to control FOG were researched in the regional FOG wastewater study conducted by Wright Pierce, consultant to the City of Torrington. The proposed technologies are appropriate.

Recommended Change: None.

7. **Comment:** The proposed general permit is too prescriptive in its technology versus performance based approach and that the regulated communities general knowledge of the

potential pitfalls associated with improper FOG management and local POTW requirements precludes the need for this general permit.

Response: The Department views the proposed permit as a balance of both technology and performance based requirement in that technology has been specified that will meet the performance requirements this will aid the FPEs in knowing what to do to be in compliance and will relieve the FPE of regular monitoring (thereby reducing costs) to demonstrate compliance. The technology specified will also prevent widely varying requirements from one municipality to another, will reduce manpower requirements on both FPEs and municipalities behalf to evaluate different proposals from many different consultants and should influence a reduction in capital costs from vendors because of more consistent manufacturing standards. Public education can be a component of a good, broad based control program. However, it is not sufficient alone to effectively control FOG. The Department is not aware of any FOG control program in the country that is solely reliant upon education.

Recommended Change: None.

8. **Comment:** Flexibility is requested to allow FPEs the ability to demonstrate compliance using site-specific control options.

Response: The Department anticipates that the costs of this methodology (engineering, administrative reviews, sample collection and testing requirements, etc.) would exceed the costs of complying with the permit with proposed changes. Individual demonstrations would be time consuming both for the FPE and the authorized agent. Time translates into costs and would be opposed by the majority of municipalities who would face an increased burden above and beyond the current proposal.

Recommended Change: None.

9. **Comment:** The proposed general permit does not offer “authorized agents proper guidance to ensure consistent enforcement of the permits requirement”.

Response: In drafting the General Permit, the Department tried to provide adequate structure while leaving the authorized agent some discretion for site specific issues. The Department has prepared and has circulated (August 2004) a Guidance Document and Resource Manual to all WPCA’s to ensure consistent enforcement and interpretation. These documents will be continually updated as the need arises. Similarly, the Department plans on creating a Guidance Document and Resource Manual for FPEs once the general permit has been issued.

Recommended Change: None.

10. **Comment:** The Connecticut Water Pollution Abatement Association supports the proposed general permit and notes that the proposed program appropriately removes FOG at its source. The Department has responsibly prepared a comprehensive program with guidance and resource documents to assist communities to implement this important and necessary program.

Response: None necessary

Recommended Change: None necessary.

11. **Comments:** The Town of Cheshire Water Pollution Control Division is in full support of the proposed general permit. The towns and cities need this general permit as a means to require food establishments to install and maintain the proper fats, oil and grease discharge equipment and to remove this material from their facilities and not discharge into the sewer system.

Response: None necessary.

Recommended Change: None necessary.

12. **Comment:** The Town of Southington expresses its whole hearted support for the proposed general permit. They have found a significant improvement in the operation of their collection system since instituting their own grease ordinance and as a result, sanitary sewer overflows have decreased markedly. The permit will unify various municipal regulations making it easier for a business to know what is required of it and evens the playing field between municipalities.

Response: None necessary.

Recommended Change: None necessary.

13. **Comment:** Many grocery stores will need to alter their capital improvement plans to accommodate the requirements of the permit. Stores may also need to shut down for installation, further adding to the costs. Are there options for grants or low interest loans?

Response: The Department believes that the fiscal impact to grocery stores has been over-estimated. One store testified at the hearing that the expense would be more than \$300,000 per store. Department staff, prior to the public hearing, met with a representative of the grocery industry and reviewed floor plans of a non-compliant store. An alternative was discussed that would make that store compliant with a rough estimate of \$20,000. The alternative would not be disturbing concrete floors nor would it result in store closings with a resultant loss of business. The Department is also aware of stores making major renovations, other than for FOG purposes, which are accomplished without store closings. With ingenuity and careful evaluation of alternatives, the costs of compliance can be controlled to very manageable levels, without the closing of stores.

Recommended Change: None.

14. **Comment:** The Water Pollution Control Authority of the City of New Haven hereby commends and expressed its strong support to the Department for its efforts to develop a statewide fats, oil and grease program. The statewide program provides the requisite assistance to municipalities and private facilities with the collection and disposal of FOG. As intended, the general permit provides the essential administrative tools by which to assist communities in controlling and removing FOG.

Response: None necessary.

Recommended Change: None.

15. **Comment:** The proposed general permit will require an ongoing quarterly inspection schedule which will be a significant investment of staff time from health departments that are already fully tasked with public health enforcement responsibilities.

Response: The quarterly inspections required in the general permit are the responsibility of the permittee (Section 5(d)(3)). The general permit does not impose any requirements on the local officials. However, the "Guidance Document for the Management of Fats, Oils and Grease From Food Preparation Establishments in Connecticut" encourages, as part of a model program, the inspection of grease trap/interceptor by municipal staff as a core component of a successful FOG management program. Whereas sanitarians are expected to inspect Class III and Class IV FPEs three and four times per year respectively for health purposes, it would appear that adding several additional items to a checklist already in excess of 30 items would not be overly burdensome. No additional travel time would be required. While there will be minimal incremental time for the sanitarians, the reduction in overflows will represent a net time savings and net cost savings to the municipality as a whole.

Recommended Change: None.

16. **Comment:** The Connecticut Onsite Wastewater Recycling Association (COWRA) endorses the proposed FOG general permit as it should help to promote more timely service of external grease trap/interceptors. Our members report many instances of sewer backups being traced to grease from one or more food service establishments, resulting in thousands of dollars of work to rod, water jet and clean sewers and lift stations. However, a major concern of COWRA is the ability to dispose of grease trap cleanings with only two current regional disposal sites.

Response: See responses to comment #3 under Program Issues.

Recommended Change: None.

General Comments

1. **Comment:** Is there any change proposed for the State Building Code to minimize conflicts with the general permit requirements?

Response: The Department has been coordinating with the State Building Official to amend the plumbing requirements of the State Building Code to be consistent with the general permit once issued.

Recommended Change: None.

2. **Comment:** With respect to “Effluent Limitations” (Section 5(c)), limits are specified but there is no requirement that the testing be performed or a timetable for performing the tests.

Response: It is not the intention to require that testing be performed by the permittee. The prescribed technology will meet the effluent limitations; therefore, sampling is not required. The limits reflect either the range of pH expected from a typical grease trap that will not impact the sewer or the expected effluent quality for FOG from the approved treatment technology allowed by the permit. The 100 milligrams per liter can be utilized as a means of measuring the effectiveness of an “other approved unit” or as an enforcement tool to demonstrate compliance or lack thereof by the authorized agent or the state.

Recommended Change: Section 5(e)(4) has been added that clarifies that monitoring is not required to demonstrate compliance with the effluent limitations of Section 5(c).

3. **Comment:** Existing grease traps/interceptors, not meeting the requirements of Sec. 5(b)(1) or 5(b)(2) should be allowed if the permittee can demonstrate that the existing unit can reliably meet the effluent limitations.

Response: Many facilities already have existing grease trap units consistent with past State Building Codes. In spite of these units, grease blockages and excessive grease loads still reach the POTWs. The main reason for this is the units are undersized for peak flow conditions and require daily maintenance. Numerous investigations around the country have documented lack of maintenance on these facilities due to odors, time and what to do with the removed contents. Testing protocols to collect representative samples, to assure samples over a range of flow conditions and to analyze the samples are likely to cost an FPE the equivalent of an AGRU installation. Maintenance costs of an AGRU are typically less than units requiring daily attention. Therefore, the concept of demonstrating that existing units can reliably meet the effluent limitations is appropriate, except in the case of diminimus discharges.

Recommended Change: None.

4. **Comment:** A concern has been expressed that Sec. 5(c) would imply continuous monitoring for pH and FOG and that proper maintenance of the system should be sufficient to show compliance with the effluent limits.

Response: The Department is not requiring monitoring by the permittee. It is the Department's position that proper maintenance of the system is sufficient to show compliance with the effluent limits.

Recommended Change: Section 5(e) will be amended with a new paragraph 4 as follows: Records as required under this subsection as well as installation of a grease trap/interceptor as specified in Section 5(b)(1)(2) or (3) shall be sufficient to demonstrate compliance with the effluent limits in section 5(c)(1) and 5(c)(2).

5. **Comment:** The need for such highly detailed language within the permit is questioned (Sec. 5(b)(1) and 5(b)(2)).

Response: The details within Sec. 5(b)(1) and 5(b)(2) are a product of a task force advisory committee made up of regulatory and industry experts. The standardization was seen as a mechanism to control costs such that vendors would not have to attempt to produce many variations of the same item if specified by individual professional engineers. In addition, the standardization should reduce the engineering fees charged to the FPEs versus a system where the engineer would design every tank individually.

Recommended Change: None.

6. **Comment:** Concern is expressed over the definition of authorized agent and whether multiple authorities are created by the definition that could lead to disagreements.

Response: The authorized agent is the WPCA or building official of the municipality in which the FPE is located in the case of a municipality that discharges into a neighboring municipalities system. The FPE would not have to secure any approvals from the regional POTW, hence there is no conflict. The definition of authorized agent was established to grant flexibility to the municipalities to determine the exact roles of each (WPCA and building official). For example, Manchester has stated that the Water and Sewer Department will be the authorized agent to approve any proposals from the FPEs while the local building official will inspect the constructed facilities for compliance with the approved system. The Department desires each municipality to determine its own method for management; hence the permit language reflects this. No municipality has commented to the Department that a change is needed in this area concerning authority.

Recommended Change: None.

7. **Comment:** The specific requirements listed under Section 5(d)(5) (Grease Trap Cleaners) should be deleted or required directly of the grease trap cleaners.

Response: Current septage pumpers who are regulated by the Department of Public Health (DPH) typically pump out grease traps. Because DPH licensure is only for septage pumpers and cannot be expanded into grease trap cleaners without a legislative change, the general permit will not refer to the DPH Licensing Program. Therefore, options are creation of either a new licensing program, establishing conditions in the General Permit, or not specifying any conditions.

Recommended Change: Section 5(d)(5) will be altered as follows: "the permittee shall only hire grease trap/interceptor cleaners as defined in Section 2".

8. **Comment:** It should be clearly stated that out-of-state facilities can be used for disposal of FOG.

Response: The Department cannot prohibit interstate commerce and must allow for the potential of FOG generated from municipalities to be trucked out of state.

Recommended Change: Section 5(d)(7) will be revised as follows: (7) The contents of all grease trap/interceptors, AGRUs and other approved units shall be disposed of in an environmentally acceptable manner. For disposal in Connecticut, the contents of all grease trap/interceptors, AGRUs and other approved units shall be disposed at a regional collection/transfer/disposal site.

9. **Comment:** Any appeals provision should be incorporated in the language of the general permit, if only by reference.

Response: There is no requirement to address procedural appeal processes in a permit and it is not the Department's practice to incorporate appeal processes in the body of a permit.

Recommended Change: None.

10. **Comment:** It is requested to exempt government facilities from the requirements of the general permit.

Response: The majority of government facilities that are classified as Class III or Class IV food preparation establishments are school cafeterias. School cafeterias can be utilized for breakfast meals, lunches and occasional public use. Any of these uses would include the preparation of large numbers of meals on a daily basis from one discharge point. The likelihood of significant FOG in the discharge is real and is a source that should be controlled. Given that the local municipality will benefit most directly from the decrease in FOG, it would be inappropriate not to control municipal sources. The general permit will also require that all appropriate state facilities comply with the conditions of the permit. Department staff has met with representatives of all affected agencies to explain the requirements of the program. No negative comments were expressed during this meeting relating to the requirements of the general permit.

Recommended Change: None.

11. **Comment:** How would the record keeping requirements be handled at school cafeterias that may be run by volunteers? Who is responsible for keeping and tracking the required information?

Response: In the case of school cafeterias, the Department would view the Board of Education as the permittee. As the permittee, the Board of Education would have full time employees such as custodial staff, program managers or administrators that would be responsible for the record keeping. It would be up to the Board of Education or principal of each school to determine exactly who would be responsible.

Recommended Change: None.

12. **Comment:** Will the general permit affect hospitals, nursing homes, assisted living facilities, etc. that serve meals daily to residents or patients?

Response: Yes, if these facilities are Class III or Class IV, they would be required to comply with the conditions of the general permit.

Recommended Change: None.

13. **Comment:** What is the basis for establishing a 1000 gallon minimum capacity for outdoor, in-ground traps? The 1000 gallon capacity seems to be overkill.

Response: The 1000 gallon capacity was determined as a minimum based upon three factors as follows: 1) Capacity to establish adequate hydraulic retention time within the trap for separation to occur; 2) Input from tank manufacturers indicated that some standardization would be necessary. Manufacturers will not create molds for custom sizes, but will standardize more

typical sizes. Standardization will reduce costs versus costs for custom sized tanks; and 3) Installation costs, whether for a 1000 gallon tank or 750 gallon tank, are approximately the same.

Recommended Change: None.

14. **Comment:** Facilities with grease traps that are operational and effective should be grandfathered and exempt from any new installation requirement.

Response: If an FPE has a typical “shoe-box under the sink” grease trap, it is not typically capable of meeting the 100 mg/l limit and will require a new installation. If the existing facility is close to the requirements specified in Section 5 of general permit, the FPE can seek approval of the existing unit under “other approved unit” in Section 5(b)(3).

Recommended Change: None.

15. **Comment:** The effluent limit in Section 5(c)(1) seems unnecessarily restrictive.

Response: The pH limits of 5.0-10.0 specified in Section 5(c)(1) are reasonable standards necessary to protect the physical integrity of the receiving sewer.

Recommended Change: None.

Specific Comments

1. **Comment:** Definition of “Local Building Official”....what code is “of this code” referring to?

Response: Under Connecticut General Statute Section 29-253, the State Building Code shall be the building code for all towns, cities and boroughs.

Recommended Change: The definition will be amended by deleting “of this code” and inserting “of the State Building Code in accordance with Section 29-253 of the CGS”.

2. **Comment:** Definition “Non-renderable”....what constitutes “contamination during the food preparation process”?

Response: Contamination of FOG can come from water, cleaning agents, disinfectants, or the addition of non-food particles or non-fatty, oily or greasy foods.

Recommended Change: The definition will be amended by deleting “during the food preparation process” and adding in its place “with other materials”.

3. **Comment:** There is a definition for regional disposal sites. Is there such a thing as a “collection and transfer site”? If so, where are they located?

Response: The regional disposal site definition is intended to cover both sites that provide ultimate disposal of the FOG (incineration sites) as well as sites that collect and treat FOG.

Recommended Change: The reference to “regional disposal site” will be expanded to “regional collection/transfer/disposal site” and the definition will be expanded to recognize that some sites will collect and transfer the FOG while others will separate the FOG from the water and food particles while others will dispose of the FOG.

4. **Comment:** The requirement for a placard with the warning “Entrance into the tank could be fatal” should be removed. Attachment to the manhole covers will be difficult at best. Some of these structures will be in areas that carry traffic and the likelihood of them remaining attached will be questionable. The issue of entry is already covered by OSHA confined space regulations.

Response: The issues raised about the difficulty of the placard remaining in place in some instances is valid as well as the comment about confined space entry.

Recommended Change: Section 5(b)(1)(D)(v) will be eliminated.

5. **Comment:** What is the purpose of having the liquid capacity of the tank marked on it?

Response: It is a standard practice of the concrete manufacturers to mark the volume of the tank on the tank in the manufacturing process. However, once the tank is buried, the marking is not of use.

Recommended Change: Section 5(b)(1)(D)(vi) will be eliminated.

6. **Comment:** Section 5(b)(1)(F).....do you really mean “ductile iron frames and covers or is it “cast iron”?

Response: The intent of this sentence is to assure that the designer specifies a material that can withstand the expected traffic load.

Recommended Change: Delete “have ductile iron frames and manhole covers” and in its place “be constructed of a material sufficient to withstand the traffic load”.

7. **Comment:** Section 5(b)(1)(M).....is the state requiring that the testing indicated be done? Is it an “either/or” situation with regard to the tests?

Response: The state is not requiring testing to determine the water tightness of the tank. The decision to require testing is left to the authorized agent and should be based upon local conditions. The two test methods listed are intended to be “either/or”.

Recommended Change: The permit will be amended as follows: “.....shall be performed by either of the following two methods”.

8. **Comment:** Section 5(h)...report should be required to be sent to POTW also.

Response: The Department agrees.

Recommended Change: Section 5(h) will be amended by adding “and to the POTW authority” after “the commissioner”.

9. **Comment:** Section 5(d)(8) of the proposed general permit appears to prohibit the use of hot water which can conflict with other Public Health Code requirements.

Response: It is not the Department’s intent to prevent any FPE from complying with requirements of the Public Health Code.

Recommended Change: Section 5(d)(8) as proposed is deleted and will be replaced as follows: The permittee may use hot water, steam, chemicals or biological additives in the normal course of facility maintenance, but may not intentionally use hot water, steam, physical means, chemicals or biological additives that will cause the release of fats, oils and grease from the grease trap/interceptors.

10. **Comment:** The term “operator” appears in Section 5(p) of the general permit and is not defined.

Response: Upon review of the intent of Section 5(p), the use of the term “operator” was intended to reflect the person who is operating the facility. Therefore, the term “permittee” would be more appropriate than the term “operator”. With this change, there is no need to define “operator”. The term “permittee” is defined.

Recommended Change: Within Section 5(p), the word “operator” will be replace in all locations with the word “permittee”.

11. **Comment:** It is suggested that the conditions listed in Section 5(d)(5) concerning grease trap cleaners be deleted from the general permit.

Response: The Department concurs.

Recommended Change: Section 5(d)(5) will be altered as follows: “the permittee shall only hire grease trap/interceptor cleaners as defined in Section 2”.

12. **Comment:** The definition of “food preparation establishments” contains language that is vague.

Response: The definition of an FPE references a definition utilized within the State of Connecticut Public Health Code. The Department is not aware of any comments from FPEs or health officials that the definition is difficult to interpret. Therefore, the Department is comfortable with the definition and sees no need for change.

Recommended Change: None.

13. **Comment:** Clarification is sought on the point of monitoring to determine if a source discharges “above the effluent limits”.

Response: Section 5(c)(1) and 5(c)(2) specifies that the effluent limits apply to the “wastewater discharge from the grease trap/interceptor, AGRU, or other approved unit....”.

Recommended Change: Section 5(c)(1) and 5(c)(2) will be amended as follows: after “.... or other approved unit” add the words “and prior to mixing with any other wastewater from the facility”.

VII. Conclusions

Throughout the entire public process described in the introduction of this report, both the regulated community (the food preparation establishments) and the regulators (municipal officials) agreed that the discharges of raw sewage caused by FOG was a problem and that new management structure is necessary to fix the problem. The divergence of opinion between the regulated community and the regulators centered around the compliance timetable, costs to the food preparation establishments to implement the permit requirements, and whether certain smaller discharges described as “Mom + Pop” facilities need to comply or can afford to comply.

Whereas there was agreement that the problem (178 reported bypasses of raw sewage attributed to blockages of FOG in a 2 ½ year period from January 2002 to June 2004) needs to be resolved, I am recommending that the Commissioner issue a “General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments” revised in response to comments. The general permit coupled with the Guidance Manual and Resource Document will serve as an effective new management structure for the control of FOG into sanitary sewers. I also recommend that Department staff seek the development of a guidance manual aimed specifically at the target audience of food preparation establishments. This document should be readily available to all FPEs both electronically and in paper and ideally in a variety of languages to aid compliance with the general permit. The document should include, but not be limited to estimates of costs of equipment, installation costs, a listing of engineers and phone numbers to assist FPE owners, a list of grease trap/interceptor cleaners to haul the collected FOG away and a section on how to evaluate the pros and cons of outside passive traps versus automatic grease recovery units.

The Department has considered and evaluated all of the comments received during the public process and is recommending numerous changes to the proposed general permit. The Department has structured a revised permit that balances the needs of the regulated community with the need for environmental and health improvements. With the extension of the compliance date from January 1, 2008 to July 1, 2011, coupled with the establishment of the AGRUs on a par with the outside passive traps, the regulated community will have a six year period to develop and implement a compliance plan including budgeting for the facilities and evaluating which technology (passive traps versus AGRUs) is the least expensive in terms of construction and operation and maintenance. Larger FPEs such as banquet halls, schools, and grocery chains can avoid disruption of business and higher implementation costs of re-plumbing floors by installing multiple AGRU's rather than re-plumbing fixtures into a single outside passive trap. Municipalities will be afforded the opportunity to designate an area or areas of their collection systems as problem areas that will require earlier compliance dates than July 1, 2011 where there is present or past evidence of FOG related problems. This will result in specific issues of public health and environmental protection being addressed as priorities in those areas while the remaining areas of the municipalities have the full six years for compliance.

Gradual compliance will also be achieved in a logical manner with the two other triggers for an earlier compliance date (change in ownership and major renovation). Both changes in ownership and major renovations are times when it is logical to include the grease trap/interceptor installation with the other renovations.

The Department has also made eleven other specific changes to the general permit as specified under "Specific Comments". These changes bring greater clarity to the permit or delete minor provisions of the treatment requirements.

In recognition of the multiple changes recommended above in the general permit, I am recommending that the Commissioner issue the proposed "General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments" as modified and included as Appendix C in this report.

Betsey Wingfield

September 27, 2005

Betsey Wingfield, Hearing Examiner

Date

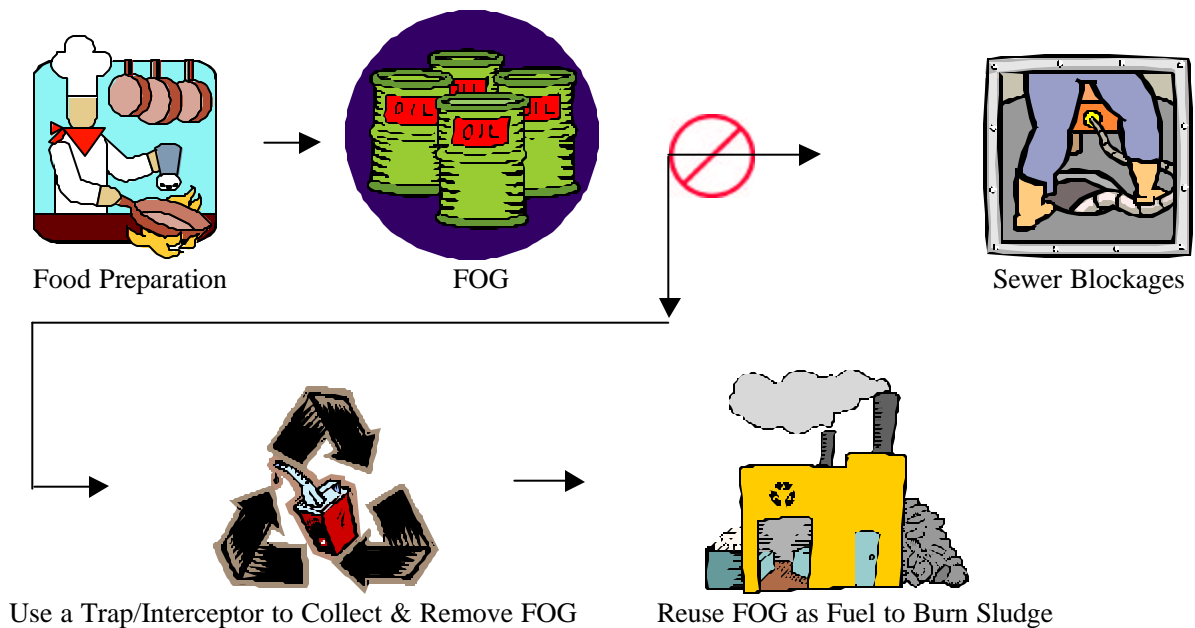
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Appendix A



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER MANAGEMENT
PLANNING & STANDARDS DIVISION
860-424-3704

General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments



Issuance Date:

Printed on recycled paper

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General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments

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General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments

Section 1. Authority

This general permit is issued under the authority of Sections 22a-430b of the General Statutes.

Section 2. Definitions

Terms used in this general permit shall have the same definitions as contained in Section 22a-423 of the General Statutes and Section 22a-430-3(a) of the Regulations of Connecticut State Agencies. As used in this general permit, the following definitions shall apply:

“Authorized activity” means any activity authorized by this general permit.

“Authorized agent” means the water pollution control authority and/or local building official.

“Authorized discharge” means a discharge authorized under this general permit.

“AGRU” or “Automatic grease recovery unit” means an interior grease interceptor that separates grease from the wastewater by active mechanical or electrical means.

“BMP” or “Best management practice” means a practice, procedure, structure or facility designed to prevent or minimize environmental damage, or to maintain or enhance environmental quality. BMPs include without limitation, treatment requirements, operating procedures, practices to control spillage or leaks, sludge or waste disposal, or providing for drainage from raw material storage.

“Commissioner” means commissioner as defined by Section 22a-2(b) of the General Statutes.

“Department” means the department of environmental protection.

“Facility” means any food preparation establishment at which an authorized discharge originates.

“Fats, oils and grease” or “FOG” means any fats, oils and grease generated from the food preparation process.

“Food preparation establishments” means Class III and IV food service establishments as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil, and grease above the effluent limits in Section 5(c)(2) of this general permit such as but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias and clubs.

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“General Statutes” means the Connecticut General Statutes.

“Grease trap/interceptor” means any device or equipment designed to separate fats, oils and grease from wastewater while allowing water to flow through.

“Grease trap/interceptor cleaner” means any person regularly offering to the general public services of cleaning or servicing of grease trap/interceptors including the removal and hauling of components of sewage such as fats, oils, grease, and food wastes.

“Individual permit” means a permit issued to a named permittee under Section 22a-430 of the General Statutes.

“Local building official” means the officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. Also known as the local building official or code official.

“Maximum daily flow” means the greatest volume of wastewater that is discharged during a 24-hour period.

“Municipality” means municipality as defined by Section 22a-423 of the General Statutes.

“Non-renderable” means fats, oils and grease generated from the food preparation processes that have been contaminated during the food preparation process, thereby prohibiting this material from being rendered.

“Permittee” means a person who or municipality which is authorized by this general permit to initiate, create, originate or maintain a wastewater discharge containing fats, oils and grease at a food preparation establishment.

“Person” means person as defined by Section 22a-423 of the General Statutes.

“POTW” means Publicly Owned Treatment Works.

“POTW authority” means the Superintendent or Chief Operator of the Publicly Owned Treatment Works.

“Regional disposal site” means a facility approved in accordance with law for the disposal of fats, oils, grease and food waste which in Connecticut means a department approved Publicly Owned Treatment Works (POTW) or privately owned treatment works that is approved by the department for the separation and disposal by incineration or other methods of fats, oils, grease and food waste from the wastewater of a facility. Pursuant to Section 22a-174-33 of the Regulations of Connecticut State Agencies related to Title V Sources, an in-state regional incinerator must have an operating permit that lists FOG as a source of fuel.

“Render” means the process used to clarify or extract fats, oils and greases by melting.

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“*Renderable FOG*” means uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.

“*Renderer*” means a person who collects and manages renderable FOG.

“*Site*” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“*Wastewater associated with a facility*” means wastewater containing fats, oils and grease from food preparation establishments.

“*Water pollution control authority*” means a water pollution control authority established pursuant to Section 7-246 of the Connecticut General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

The following discharge of wastewater associated with a facility is authorized by this general permit, provided the requirements of subsection (b) of this section and the conditions of Section 5 are satisfied:

Any wastewater discharge associated with a facility which discharges to a sanitary sewer line and then to a POTW or a privately owned or State owned sewage treatment works.

Any other discharge of water, substance or material into the waters of the State is not authorized by this general permit, and any person who or municipality which initiates, creates, originates or maintains such a discharge shall first apply for and obtain authorization under Sections 22a-430 or 22a-430b of the General Statutes.

(b) *Requirements for Authorization*

This general permit authorizes the discharge listed in subsection (a) of this section provided:

(1) The grease trap/interceptor, AGRU, or other unit is installed in accordance with local ordinances.

(2) Coastal Area Management

Such discharge is consistent with all-applicable goals and policies in Section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in Section 22a-93 of the General Statutes.

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(3) **Endangered and Threatened Species**

Such discharge does not threaten the continued existence of any species listed pursuant to Section 26-306 of the General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species.

(4) **Code of Federal Regulations**

Such discharge is not subject to any provision of Title 40, Parts 403 through 471 of the Code of Federal Regulations.

(c) ***Geographic Area***

This general permit applies throughout the State of Connecticut for all sites connected to sanitary sewers.

(d) ***Effective Date and Expiration Date of This General Permit***

This general permit is effective on the date it is issued by the commissioner, and expires ten (10) years from such date of issuance.

(e) ***Effective Date of Authorization***

An activity is authorized by this general permit on the date the general permit becomes effective or on the date the activity commences, whichever is later.

(f) ***Revocation of an Individual Permit***

If a discharge which is eligible for authorization under this general permit is presently authorized by an individual permit, such individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such discharge under this general permit.

(g) ***Issuance of an Individual Permit***

If the commissioner issues an individual permit for a discharge authorized by this general permit, this general permit shall cease to authorize that discharge as of the date such individual permit is issued.

Section 4. Registration Requirements

No registration is required with the department for authorization under this general permit.

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Section 5. Conditions of This General Permit

(a) Compliance Schedule

A permittee shall assure that every authorized discharge is conducted in accordance with the following schedule:

- (1) A facility, in operation and discharging wastewater as of the date of issuance of this general permit shall comply with all the conditions of the general permit no later than January 1, 2008.
- (2) A facility, which begins discharging after the effective date of this general permit, shall comply with all conditions of this general permit before initiating such discharge.

(b) Treatment Requirements

An authorized discharge shall meet the following specifications:

- (1) Outdoor In-Ground Grease Trap/Interceptor
 - (A) The grease trap/interceptor shall be installed on a separate building sewer line servicing kitchen flows and shall be connected only to those fixtures or drains which would allow fats, oils, and grease to be discharged. This shall include:
 - (i) pot sinks;
 - (ii) pre-rinse sinks;
 - (iii) any sink into which fats, oils, or grease are likely to be introduced;
 - (iv) soup kettles or similar devices;
 - (v) wok stations;
 - (vi) floor drains or sinks into which kettles may be drained;
 - (vii) automatic hood wash units;
 - (viii) any other fixtures or drains that are likely to allow fats, oils and grease to be discharged; and
 - (ix) dishwashers without pre-rinse sinks.
 - (B) An outdoor, in-ground grease trap/interceptor shall have a minimum depth of four (4) feet and a minimum volume of:
 - (i) The volume equivalent to the maximum daily flow over a twenty-four (24) hour period from the fixtures described in subparagraph (A) of this section based on water meter records or other methods of calculation as approved by the authorized agent, or

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- (ii) 1000 gallons, whichever is greater.
- (C) The grease trap/interceptor shall be watertight and constructed of concrete or other durable material. It shall be located so as to be accessible for convenient inspection and maintenance. No permanent or temporary structures or containers shall be placed directly over the grease trap/interceptor. Grease trap/interceptors installed in areas subject to traffic shall be designed to accommodate traffic loading.
- (D) If the grease trap/interceptor is constructed of concrete the following requirements shall apply:
 - (i) All concrete grease trap/interceptors shall be produced with minimum 4,000-psi concrete per ASTM standards with four (4) to seven (7) percent air entrainment.
 - (ii) The minimum liquid depth of the grease trap/interceptor shall be thirty-six (36) inches, measured from the bottom of the tank to the outlet invert.
 - (iii) The air space provided between the liquid height and the underside of the tank top shall be a minimum of eight (8) inches.
 - (iv) All structural seams and/or lifting holes shall be grouted with non-shrinking cement or similar material and coated with a waterproof sealant. In areas where seasonal high ground water is at an elevation greater than the bottom of the grease trap/interceptor, but below the top of the grease trap/interceptor, the exterior of the grease trap/interceptor including the exterior top, sides and bottom shall be coated with a waterproof sealant creating a water tight condition for the tank. In areas where seasonal high ground water is at an elevation greater than the top of the grease trap/interceptor, the exterior of the manhole extensions to grade shall be coated with a waterproof sealant creating a watertight condition for the extension.
 - (v) All new grease trap/interceptors shall be manufactured with manhole covers that have a placard with a warning "Entrance into the tank could be fatal".
 - (vi) The liquid capacity of the tank shall be marked on the top of the tank between the outlet access hole and outlet wall or on the vertical wall between the top of the tank and the top of the outlet opening.
 - (vii) The invert elevation of the inlet shall be between three (3) inches and six (6) inches above the invert elevation of the outlet.

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- (E) All non-concrete tanks shall meet the requirements set forth in Sections 5(b)(1)(C) and 5(b)(1)(D)(ii), (iii), (v), (vi) and (vii) of this general permit.
- (F) Separate cleanout covers shall be provided over the inlet and outlet of the grease trap/interceptor so as to provide easy access for inspection and cleaning. Cleanout ports shall be fitted with manhole extensions to grade. In areas subject to traffic, the extensions shall have ductile iron frames and manhole covers. Where concrete covers are used, the lid must either weigh a minimum of fifty-nine (59) pounds or contain a locking mechanism to prevent unauthorized entrance. The manholes, extensions, and inlet and outlet access holes to the grease trap/interceptor shall have a minimum inside diameter of seventeen (17) inches.
- (G) The inlet and outlet piping shall be PVC ASTM D 1785 Schedule 40 with rubber compression gaskets or solvent weld couplings. The joints must meet ASTM D 3212 specifications. The authorized agent may approve other piping materials for use. The minimum diameter of the inlet and outlet piping shall be four (4) inches. The inlet and outlet shall utilize a tee-pipe fitting on the interior of the grease trap/interceptor. The tee-pipe of the inlet and outlet shall extend to within twelve (12) inches of the bottom and at least five (5) inches above the static liquid level of the tank.
- (H) The grease trap/interceptor shall be set level on a consolidated, stable base so that no settling or tipping of the grease trap/interceptor can occur.
- (I) The outlet discharge line from the grease trap/interceptor shall be directly connected to a sanitary sewer.
- (J) No fixture or drain other than those listed in subsection (b)(1)(A) of this section shall be connected to the grease trap/interceptor unless approved by the authorized agent.
- (K) The grease trap/interceptor shall be located so as to maintain separation distances from well water supplies based on flow at the distances set forth in Section 19-13-B51d of the Public Health Code.
- (L) Minimum separation distances shall be maintained between the grease trap/interceptor and items such as but not limited to buildings, watercourses, drains, etc. as listed in local municipal ordinances.
- (M) Should the authorized agent notify the permittee that testing is required, the testing shall be performed in the following manner:
 - (i) Vacuum Test - Seal the empty tank and apply a vacuum to four (4) inches (50mm) of mercury. The tank is acceptable if 90% of vacuum is held for two (2) minutes.

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- (ii) Water-Pressure Test - Seal the tank, fill with water, and let stand for twenty-four (24) hours. Refill the tank. The tank is acceptable if the water level is held for one (1) hour.

(2) AGRU

When the authorized agent determines, at the request of the permittee, that it is not possible to install an outdoor in-ground grease trap/interceptor pursuant to the conditions established in Section 5(b)(1) due to issues including, but not limited to, site restrictions or site constraints, the installation of an indoor AGRU shall be required. The AGRU shall meet the following requirements:

- (A) An AGRU shall be installed immediately downstream of each fixture or multiple fixtures listed in subsection (b)(1) of this section.
- (B) The AGRU shall be sized to properly pre-treat the measured or calculated flows for all connected fixtures or drains as listed in subsection (b)(1) of this section.
- (C) The AGRU shall be constructed of corrosion-resistant material such as stainless steel or plastic.
- (D) Solids shall be intercepted and separated from the effluent flow using an internal or external strainer mechanism. This mechanism shall be an integral part of the unit.
- (E) The unit shall operate using a skimming device, automatic draw-off, or other mechanical/hard wired electrical means to automatically remove separated fats and oils. This automatic skimming device shall be controlled using a timer or level control. The operation of the automatic skimming device shall be field adjustable. The AGRU shall operate no less than once per day.
- (F) The AGRU shall be fitted with an internal or external flow control device to prevent the exceedence of the manufacturer's recommended design flow.
- (G) The AGRU shall be located so as to permit easy access for maintenance.
- (H) No fixture or drain other than those listed in subsection (b)(1)(A) of this section shall be connected to the AGRU.
- (I) All AGRUs shall be designed and installed in accordance with the manufacturer's specifications.

(3) Other Approved Unit

If the proposed permittee requests the use of a unit other than an outdoor in-ground grease trap/interceptor or an AGRU, the proposed permittee must demonstrate that the other unit can reliably meet the effluent limitations established in Section 5(c) of this general permit. Only after receiving written approval by the authorized agent will the proposed permittee be authorized to install the unit.

(c) ***Effluent Limitations***

- (1) At no time shall the pH of the wastewater discharge from the grease trap/interceptor, AGRU or other approved unit into the sanitary sewer system be less than five (5.0) nor greater than ten (10.0) standard units at any time.
- (2) At no time shall the concentration of fats, oils, and grease in wastewater from the grease trap/interceptor, AGRU, or other approved unit discharged into a sanitary sewer exceeds 100 milligrams per liter. All analyses shall be conducted according to the current method as listed in Title 40 CFR 136 or as approved in writing by the department. The current method, as of 2003, is EPA 1664.

(d) ***Pollution Prevention/Best Management Practices (BMP)***

- (1) No valve or piping bypass equipment that could prevent the discharge of food preparation wastewater from entering appropriate treatment equipment shall be present at such facility.
- (2) Renderable fats, oils, and grease shall only be disposed of in separate storage containers for recycling by a renderer. No renderable fats, oils, and grease shall be discharged into grease trap/interceptors or AGRUs, sanitary sewers, dumpsters or storm sewers.
- (3) At a minimum, the permittee shall perform quarterly inspections of all grease trap/interceptors or other approved units.
- (4) Outdoor in-ground grease trap/interceptor(s) shall be completely emptied by a grease trap/interceptor cleaner whenever 25% of the operating depth of the grease trap/interceptor is occupied by fats, oils, grease and settled solids or a minimum of once every three (3) months whichever is more frequent. The permittee may request approval for a less frequent cleaning interval from the authorized agent following a minimum one-year of operation of the grease trap/interceptor. The permittee shall be required to show through at least four quarterly inspections that the operating depth of the grease trap/interceptor occupied by fats, oils, grease and settled solids is less than 25% during each of the three-month intervals. The authorized agent may extend the minimum frequency of cleaning in writing beyond three (3) months based upon the quarterly inspections. The permittee shall maintain a written log on-site of grease trap/interceptor cleaning and maintenance, shall maintain copies of the grease trap/interceptor cleaner's receipts and shall maintain a copy of such approval for five (5) years.

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- (5) The permittee shall only hire grease trap/interceptor cleaners who comply with the following conditions:
 - (A) Vehicles utilized to transport the grease trap/interceptor contents shall be water-tight, bear the name of the company and be maintained in a clean exterior condition at all times.
 - (B) No defective or leaking equipment shall be used in cleaning operations.
 - (C) Water used for rinsing such vehicles or equipment shall be considered sewage and shall be disposed of in a sanitary manner.
- (6) All AGRUs shall be maintained in accordance with the manufacturer's recommendations.
- (7) The contents all grease trap/interceptors, AGRUs and other approved units, shall be disposed of at a regional disposal site.
- (8) The permittee shall not use hot water, steam, physical means, chemicals or biological additives that could cause the fats, oils, and grease fraction to be released from the grease trap/interceptors, AGRUs and other approved units into the sanitary sewer.
- (9) No food grinder or food pulper shall discharge to any grease trap/interceptors, AGRUs and other approved units.
- (10) Wastewater flows from the fixtures allowed in subsection (b)(1)(A) of this section shall be screened to prevent solids from entering the grease trap/interceptors, AGRUs and other approved units. Screened solids shall be disposed of in accordance with applicable solid waste regulations.

(e) *Reporting and Record Keeping Requirements*

- (1) A written log of all inspections required pursuant to subsections (d)(3) and (d)(4) of this section shall be maintained for each discharge authorized by this general permit. The log shall document:
 - (A) the date of the inspection;
 - (B) the inspector's name, title and signature;
 - (C) the depth, as measured at the time of the inspection, of fats, oils, grease and food waste located within the grease trap/interceptor; and
 - (D) any maintenance work or changes in equipment associated with such discharge that has taken place at the site since the last inspection.

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- (2) Except as provided in subsection (e)(1) of this section, the permittee shall retain, for a period of five (5) years at the subject facility, all inspections, cleaning and maintenance logs and analytical results from any monitoring elected to be done by the permittee. All records and reports shall be made available in writing to the authorized agent upon request.
- (3) Immediately upon learning or having reason to believe that an authorized discharge may cause or has caused a sewer blockage or may adversely affect the operations of a POTW, the permittee shall notify the POTW Authority.

(f) *Recording and Reporting Violations*

- (1) If any analytical results from monitoring data elected to be done by the permittee or other information indicates that a violation of an effluent limitation or another condition of this general permit has occurred, the permittee shall immediately take steps to identify and correct any and all conditions causing or contributing to such violation. A log of such violations shall be maintained on site and contain, at a minimum, the following information:
 - (A) The permit condition(s) or effluent limitation(s) violated;
 - (B) The analytical results or other information demonstrating such violation(s);
 - (C) The cause of the violation(s), if known;
 - (D) Dates and times during which the violation continued;
 - (E) If the violation was not corrected immediately upon being discovered, the anticipated time it is expected to continue; and upon correction, the date and time of correction;
 - (F) Steps taken and planned to reduce, eliminate and prevent a reoccurrence of the violation, and the dates such steps have been or will be executed; and
 - (G) The name, title and signature of the individual recording the information and the date and time of such recording.
- (2) If any analytical results indicate that fats, oils, and grease exceeds the limitation listed in subsection (c) of this section or the pH exceeds the limitation listed in subsection (c) of this section by greater than one unit or lower than one unit, the permittee shall immediately notify the POTW Authority.

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(g) ***Regulations of Connecticut State Agencies Incorporated Into This General Permit***

The permittee shall comply with all applicable law, including without limitation the following Regulations of Connecticut State Agencies, which are hereby incorporated into this general permit as if fully set forth herein:

(1) Section 22a-430-3:

Subsection (b) General - subparagraph (1)(D) and subdivisions (2), (3), (4), and (5)

Subsection (c) Inspection and Entry

Subsection (d) Effect of a Permit - subdivisions (1) and (4)

Subsection (e) Duty to Comply

Subsection (f) Proper Operation and Maintenance

Subsection (g) Sludge Disposal

Subsection (h) Duty to Mitigate

Subsection (i) Facility Modifications, Notification - subdivisions (1) and (4)

Subsection (j) Monitoring, Records and Reporting Requirements - subsections (1), (6), (7), (8), (9) and (11) [except subparagraphs (9)(A)(2), and (9)(C)]

Subsection (k) Bypass

Subsection (m) Effluent Limitation Violations

Subsection (n) Enforcement

Subsection (o) Resource Conservation

Subsection (p) Spill Prevention and Control

Subsection (q) Instrumentation, Alarms, Flow Recorders

Subsection (r) Equalization

(2) Section 22a-430-4:

Subsection (t) Prohibitions

Subsection (p) Revocation, Denial, Modification

Appendices

(h) ***Duty to Correct and Report Violations***

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with subsection (j) of this section.

(i) ***Duty to Provide Information***

If the commissioner requests any information pertinent to the authorized discharge or to compliance with this general permit, the permittee shall provide such information within thirty (30) days of such request. Such information shall be certified in accordance with subsection (j) of this section.

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(j) *Certification of Documents*

Any document, including but not limited to any notice, information or report, which is submitted to the department under this general permit shall be signed by the permittee or by a duly authorized representative of the permittee in accordance with Section 22a-430-3(b)(2)(A) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(k) *Date of Filing*

For purposes of this general permit, the filing date of any document is the date such document is received by the department. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(l) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with Section 22a-6, under Section 53a-157b of the General Statutes.

(m) *Correction of Inaccuracies*

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection (i) of this section.

(n) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(o) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor

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any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

(p) *Change in Ownership or Operator*

Upon a change in the ownership or the operator of a food preparation establishment, the new owner or operator must comply with the requirements of Section 3(b) and the conditions of Sections 5(b) through (o), inclusive, of this general permit.

Section 6. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with Sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit if he wishes to continue lawfully conducting the discharge authorized by this general permit, the permittee may continue conducting such discharge only if he files an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: _____

Arthur J. Rocque, Jr.
Commissioner

Appendix B
Exhibit List

December 1, 2004

Public Hearing on Proposed General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments

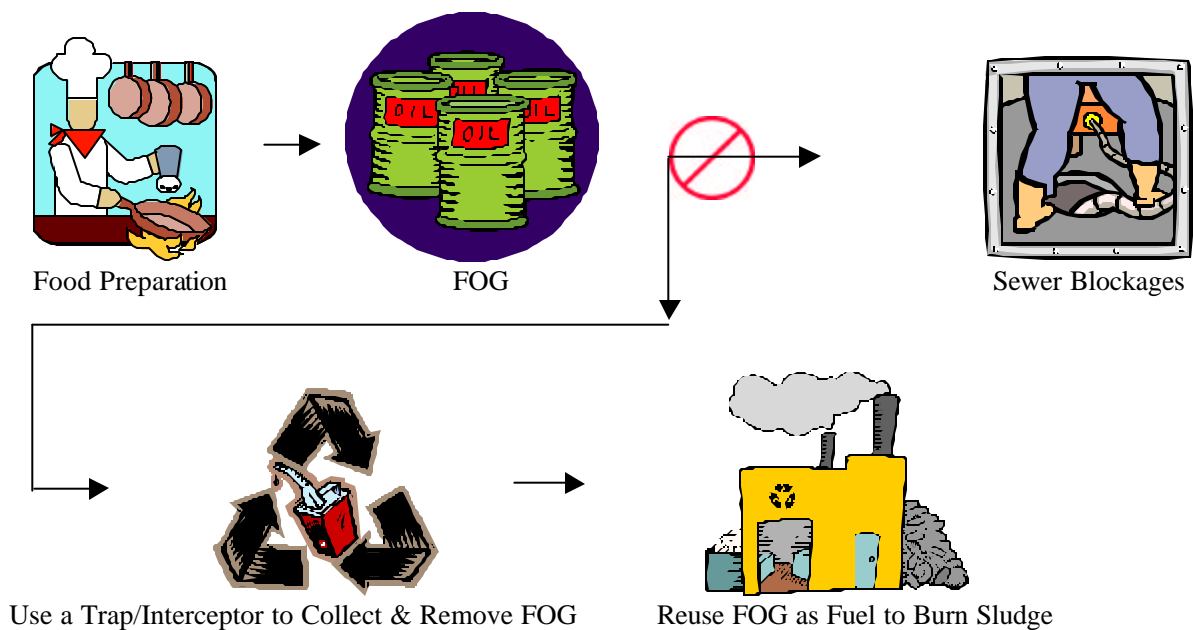
Exhibit	Description
1	Notice of Public Hearing
2	Authorization to Hold Public Hearing
3-7	Certificates of Publication of the Notice of Public Hearing from the Connecticut Post, Hartford Courant, New Haven Register, Norwich Bulletin and Waterbury Republican-American
8	Public Notice of Intent to Issue a General Permit
	Written Comments 8/30/04, Warren F. Boyle, Fitzgerald's Foods
	Written Comments 9/7/04, Department of Defense
	Written Comments 9/7/04, Patricia McCullough, Northeast Utilities System
	Written Comments 9/4/04, Grace Nome, Connecticut Food Association
	Written Comments 8/27/04, Grace Nome, Connecticut Food Association
	Written Comments 9/7/04, Tara Parselett, Downtown Manchester Special Services District
	Written Comments 9/7/04, Sue O'Connor, Greater Manchester Chamber of Commerce
	Written Comments 9/7/04, Eric Brown, CT Business and Industry Association
	Written Comments 9/2/04, Peter Thomas/Guy Hesketh, Big Y Foods, Inc.
	Written Comments 8/31/04, Dave Smith, Bayer Health Care Pharmaceuticals
	Written Comments 9/1/04, Simon Flynn, CT Restaurant Association
	Written Comments 9/2/04, Steven Werbner, Town of Manchester
9	Written Comments 11/22/04, Joseph Michelangelo, Town of Cheshire
10	Written Comments 11/17/04, Roger Adams, Northeast Chamber of Commerce
11	Written Comments 11/5/04, David Williams, Town of Groton WPCA
12	Written Comments 11/30/04, Carl Almquist, Connecticut Water Pollution Abatement Assoc.
13	Written Comments 12/1/04, Connecticut Conference of Municipalities
14	Written Comments 11/30/04, John DeGioia, Town of Southington
15	Written Comments 11/30/04, Raymond Smedberg, New Haven WPCA
16	Written Comments 12/1/04, Beth Fabian, MDC
17	Written Comments 12/1/04, Peter Thomas/Guy Hesketh, Big Y. Foods, Inc.
18	Written Comments 12/1/04, William Hall, Connecticut On-Site Wastewater Recycling Assoc.
19	Written Comments 12/1/04, Grace Nome, Connecticut Food Association
20	Written Comments 12/1/04, Eric Brown, CT Business and Industry Association



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER MANAGEMENT
PLANNING & STANDARDS DIVISION
860-424-3704

Appendix C

General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments



Issuance Date: September 30, 2005

Printed on recycled paper

General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments

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General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments

Section 1. Authority

This general permit is issued under the authority of Section 22a-430b of the General Statutes.

Section 2. Definitions

Terms used in this general permit shall have the same definitions as contained in Section 22a-423 of the General Statutes and Section 22a-430-3(a) of the Regulations of Connecticut State Agencies. As used in this general permit, the following definitions shall apply:

“Authorized activity” means any activity authorized by this general permit.

“Authorized agent” means the water pollution control authority or its designee. In municipalities where no water pollution control authority exists, the authorized agent shall be the local building official.

“Authorized discharge” means a discharge authorized under this general permit.

“AGRU” or “Automatic grease recovery unit” means an interior grease interceptor that separates grease from the wastewater by active mechanical or electrical means.

“BMP” or “Best management practice” means a practice, procedure, structure or facility designed to prevent or minimize environmental damage, or to maintain or enhance environmental quality. BMPs include without limitation, treatment requirements, operating procedures, practices to control spillage or leaks, sludge or waste disposal, or providing for drainage from raw material storage.

“Change in ownership” means a change in warranty deed or lease agreement.

“Commissioner” means commissioner as defined by Section 22a-2(b) of the General Statutes.

“Department” means the department of environmental protection.

“Facility” means any food preparation establishment at which an authorized discharge originates.

“Fats, oils and grease” or “FOG” means any fats, oils and grease generated from the food preparation process.

“Food preparation establishment” means a Class III and IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil, and grease above the effluent limits in Section 5(c)(2) of this general permit such as but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

“General Statutes” means the Connecticut General Statutes.

“Grease trap/interceptor” means any device or equipment designed to separate fats, oils and grease from wastewater while allowing water to flow through.

“Grease trap/interceptor cleaner” means any person regularly offering to the general public services of cleaning or servicing of grease trap/interceptors including the removal and hauling of fats, oils, grease, and food wastes which are components of sewage.

“Individual permit” means a permit issued to a named permittee under Section 22a-430 of the General Statutes.

“Local building official” means the municipal officer or other designated authority charged with the administration and enforcement of the State Building Code in accordance with Section 29-253 of the General Statutes or a duly authorized representative.

“Maximum daily flow” means the greatest volume of wastewater that is discharged during a 24-hour period.

“Municipality” means municipality as defined by Section 22a-423 of the General Statutes.

“Non-renderable” means fats, oils and grease generated from the food preparation processes that have been contaminated with other materials, thereby prohibiting this material from being rendered.

“Permittee” means a person who or municipality which is authorized by this general permit to initiate, create, originate or maintain a wastewater discharge containing fats, oils and grease at a food preparation establishment.

“Person” means person as defined by Section 22a-423 of the General Statutes.

“POTW” means Publicly Owned Treatment Works.

“POTW authority” means the Superintendent or Chief Operator of the Publicly Owned Treatment Works.

“Regional collection/transfer/disposal site” means a facility approved in accordance with law for the collection, transfer or disposal of fats, oils, grease and food waste which in Connecticut means a POTW or privately owned treatment works that is approved by the commissioner for the transfer, separation or disposal by incineration or other methods of fats, oils, grease and food waste from the wastewater of a facility. Pursuant to Section 22a-174-33 of the Regulations of Connecticut State Agencies related to Title V Sources, an in-state regional incinerator must have an operating permit that lists FOG as a source of fuel.

“Render” means the process used to clarify or extract fats, oils and greases by melting.

“Renderable FOG” means uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.

“Renderer” means a person who collects and manages renderable FOG.

“Renovation” means any physical modification of the facility's food preparation area, food service area and/or dining area in excess of \$20,000 in any one calendar year or a cumulative total in excess of \$40,000 commencing from the effective date of this general permit to the compliance date of July 1, 2011, as established in Section 5(a)(2) of this general permit. The dollar value shall be the sum of all renovations for all building permits issued to the facility in a calendar year or from the effective date of this general permit to the compliance date of July 1, 2011, for the food preparation, floor service and dining areas, as determined by the local building official.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“Wastewater associated with a facility” means wastewater containing fats, oils and grease from a food preparation establishment.

“Water pollution control authority” means a water pollution control authority established pursuant to Section 7-246 of the Connecticut General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

The following discharge of wastewater associated with a facility, as defined in this general permit, is authorized by this general permit, provided the requirements of subsection (b) of this section and the conditions of Section 5 of this general permit are satisfied:

Any wastewater discharge associated with a facility which discharges to a sanitary sewer line and then to a POTW or a privately owned or State owned sewage treatment works.

Any other discharge of water, substance or material into the waters of the State is not authorized by this general permit, and any person who or municipality which initiates, creates, originates or maintains such a discharge shall first apply for and obtain authorization under Sections 22a-430 or 22a-430b of the General Statutes.

(b) *Requirements for Authorization*

This general permit authorizes the discharge listed in subsection (a) of this section provided:

(1) The grease trap/interceptor, AGRU, or other approved unit is installed in accordance with local ordinances.

(2) Coastal Area Management

Such discharge is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in Section 22a-93 of the General Statutes.

(3) Endangered and Threatened Species

Such discharge does not threaten the continued existence of any species listed pursuant to Section 26-306 of the General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as essential to such species.

(4) Code of Federal Regulations

Such discharge is not subject to any provision of Title 40, Parts 403 through 471 of the Code of Federal Regulations.

(c) *Geographic Area*

This general permit applies throughout the State of Connecticut for all sites connected to sanitary sewers.

(d) *Effective Date and Expiration Date of This General Permit*

This general permit is effective on the date it is issued by the commissioner, and expires ten (10) years from such date of issuance.

(e) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the general permit becomes effective or on the date the activity commences, whichever is later.

(f) *Revocation of an Individual Permit*

If a discharge which is eligible for authorization under this general permit is presently authorized by an individual permit, such individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such discharge under this general permit.

(g) *Issuance of an Individual Permit*

If the commissioner issues an individual permit for a discharge authorized by this general permit, this general permit shall cease to authorize that discharge as of the date such individual permit is issued.

Section 4. Registration Requirements

No registration is required with the department for authorization under this general permit.

Section 5. Conditions of This General Permit

(a) *Compliance Schedule*

A permittee shall assure that every authorized discharge is conducted in accordance with the following schedule:

- (1) A facility, which begins discharging after the effective date of this general permit, shall comply with all conditions of this general permit before initiating such discharge.
- (2) A facility, which began discharging on or before the effective date of this general permit, with a grease trap/interceptor not in compliance with Section 5(b) of this general permit shall comply with all conditions of this general permit no later than July 1, 2011 with the following exceptions:
 - (A) A change in ownership of the facility shall require compliance with all conditions of this general permit within 60 days of the change in ownership.
 - (B) A renovation of the facility shall require compliance with all conditions of this general permit as part of the renovation.
 - (C) The authorized agent may, as necessary, designate any area or areas of its sewer system as a problem area related to fats, oils and grease. Such designation shall be by a formal action of the authorized agent and shall be based upon evidence of excessive fats, oils and grease including sanitary sewer overflows, excessive maintenance or any means of inspection. Upon notification by the authorized agent, any facility within the problem area designation shall comply with all conditions of this general permit within a reasonable time schedule established by the authorized agent.

(b) *Treatment Requirements*

An authorized discharge shall meet the specifications in either (1) or (2) of this subsection; however, the permittee may request the use of other units as established in Section 5(b)(3) of this general permit.

- (1) Outdoor In-Ground Grease Trap/Interceptor
 - (A) The grease trap/interceptor shall be installed on a separate building sewer line servicing kitchen flows and shall be connected to those fixtures or drains which would allow fats, oils, and grease to be discharged. This shall include:
 - (i) pot sinks;
 - (ii) pre-rinse sinks;
 - (iii) any sink into which fats, oils, or grease are likely to be introduced;
 - (iv) soup kettles or similar devices;
 - (v) wok stations;
 - (vi) floor drains or sinks into which kettles may be drained;
 - (vii) automatic hood wash units;
 - (viii) dishwashers without pre-rinse sinks; and
 - (ix) any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.
 - (B) An outdoor, in-ground grease trap/interceptor shall have a minimum depth of four (4) feet and a minimum volume of:
 - (i) The volume equivalent to the maximum daily flow over a twenty-four (24) hour period from all fixtures connected to the grease trap/ interceptor based on water meter records or other methods of calculation as approved by the authorized agent, or
 - (ii) 1000 gallons, whichever is greater.
 - (C) The grease trap/interceptor shall be watertight and constructed of concrete or other durable material. It shall be located so as to be accessible for convenient inspection and maintenance. No permanent or temporary structures or containers shall be placed directly over the grease trap/interceptor. Grease trap/interceptors installed in areas subject to traffic shall be designed to accommodate traffic loading.
 - (D) If the grease trap/interceptor is constructed of concrete the following requirements shall apply:
 - (i) All concrete grease trap/interceptors shall be produced with minimum 4,000-psi concrete per ASTM standards with four (4) to seven (7) percent air entrainment.

- (ii) The minimum liquid depth of the grease trap/interceptor shall be thirty-six (36) inches, measured from the bottom of the tank to the outlet invert.
 - (iii) The air space provided between the liquid height and the underside of the tank top shall be a minimum of eight (8) inches.
 - (iv) All structural seams and/or lifting holes shall be grouted with non-shrinking cement or similar material and coated with a waterproof sealant. In areas where seasonal high ground water is at an elevation greater than the bottom of the grease trap/interceptor, but below the top of the grease trap/interceptor, the exterior of the grease trap/interceptor including the exterior top, sides and bottom shall be coated with a waterproof sealant creating a water tight condition for the tank. In areas where seasonal high ground water is at an elevation greater than the top of the grease trap/interceptor, the exterior of the manhole extensions to grade shall be coated with a waterproof sealant creating a watertight condition for the extension.
 - (v) The invert elevation of the inlet shall be between three (3) inches and six (6) inches above the invert elevation of the outlet.
- (E) All non-concrete tanks shall meet the requirements set forth in Sections 5(b)(1)(C) and 5(b)(1)(D)(ii), (iii), and (v) of this general permit.
- (F) Separate cleanout covers shall be provided over the inlet and outlet of the grease trap/interceptor so as to provide easy access for inspection and cleaning. Cleanout ports shall be fitted with manhole extensions to grade. In areas subject to traffic, the extensions shall be constructed of a material sufficient to withstand the traffic load. Where concrete covers are used, the lid must either weigh a minimum of fifty-nine (59) pounds or contain a locking mechanism to prevent unauthorized entrance. The manholes, extensions, and inlet and outlet access holes to the grease trap/interceptor shall have a minimum inside diameter of seventeen (17) inches.
- (G) The inlet and outlet piping shall be PVC ASTM D 1785 Schedule 40 with rubber compression gaskets or solvent weld couplings. The joints must meet ASTM D 3212 specifications. The authorized agent may approve other piping materials for use. The minimum diameter of the inlet and outlet piping shall be four (4) inches. The inlet and outlet shall utilize a tee-pipe fitting on the interior of the grease trap/interceptor. The tee-pipe of the inlet and outlet shall extend to within twelve (12) inches of the bottom and at least five (5) inches above the static liquid level of the tank.
- (H) The grease trap/interceptor shall be set level on a consolidated, stable base so that no settling or tipping of the grease trap/interceptor can occur.

- (I) The outlet discharge line from the grease trap/interceptor shall be directly connected to a sanitary sewer.
- (J) No fixture or drain other than those listed in subsection (b)(1)(A) of this section shall be connected to the grease trap/interceptor unless approved by the authorized agent.
- (K) The grease trap/interceptor shall be located so as to maintain separation distances from well water supplies based on flow at the distances set forth in Section 19-13-B51d of the Public Health Code.
- (L) Minimum separation distances shall be maintained between the grease trap/interceptor and items such as but not limited to buildings, watercourses, drains, etc. as listed in local municipal ordinances.
- (M) Should the authorized agent notify the permittee that testing is required, the testing shall be performed in either one of the following manners:
 - (i) Vacuum Test - Seal the empty tank and apply a vacuum to four (4) inches (50mm) of mercury. The tank is acceptable if 90% of vacuum is held for two (2) minutes.
 - (ii) Water-Pressure Test - Seal the tank, fill with water, and let stand for twenty-four (24) hours. Refill the tank. The tank is acceptable if the water level is held for one (1) hour.

(2) Automatic Grease Recovery Unit (AGRU)

The AGRU shall meet the following requirements:

- (A) An AGRU(s) shall be installed immediately downstream of each fixture or multiple fixtures listed in subsection (b)(1)(A) of this section.
- (B) The AGRU shall be sized to properly pre-treat the measured or calculated flows for all connected fixtures or drains.
- (C) The AGRU shall be constructed of corrosion-resistant material such as stainless steel or plastic.
- (D) Solids shall be intercepted and separated from the effluent flow using an internal or external strainer mechanism. This mechanism shall be an integral part of the unit.
- (E) The unit shall operate using a skimming device, automatic draw-off, or other mechanical means to automatically remove separated fats and oils. This automatic skimming device shall be either hard wired or cord & plug connected electrically and controlled using a timer or level control. The operation of the

automatic skimming device shall be field adjustable. The AGRU shall operate no less than once per day.

- (F) The AGRU shall be fitted with an internal or external flow control device to prevent the exceedence of the manufacturer's recommended design flow.
- (G) The AGRU shall be located so as to permit easy access for maintenance.
- (H) No fixture or drain other than those listed in subsection (b)(1)(A) of this section shall be connected to the AGRU unless approved by the authorized agent.
- (I) All AGRUs shall be designed and installed in accordance with the manufacturer's specifications.

(3) Other Approved Unit

If the permittee requests the use of a unit other than an outdoor in-ground grease trap/interceptor or an AGRU, the proposed permittee must demonstrate that the other unit can reliably meet the effluent limitations established in Section 5(c) of this general permit. Only after receiving written approval by the authorized agent will the permittee be authorized to install the unit.

(4) Diminimus Discharges

At the request of the permittee, the authorized agent may grant a waiver of the treatment requirements of Sections 5(b)(1) through 5(b)(3), inclusive, of this general permit if, in the judgment of the authorized agent, there is limited potential for FOG in the discharge when considering, including but not limited to, the frequency of operation, the volume of flow and the potential for fats, oils and grease based upon the menu.

(c) Effluent Limitations

- (1) At no time shall the pH of the wastewater discharged from the grease trap/interceptor, AGRU or other approved unit and prior to mixing with any other wastewater from the facility be less than five (5.0) nor greater than ten (10.0) standard units at any time.
- (2) At no time shall the concentration of fats, oils, and grease in wastewater from the grease trap/interceptor, AGRU, or other approved unit and prior to mixing with any other wastewater from the facility exceed 100 milligrams per liter. All analyses shall be conducted according to the current method as listed in Title 40 CFR 136 or as approved in writing by the department. The current method, as of 2005, is EPA 1664.

(d) *Pollution Prevention/Best Management Practices (BMP)*

- (1) No valve or piping bypass equipment that could prevent the discharge of wastewater associated with the facility from entering appropriate treatment equipment shall be present at such facility.
- (2) Renderable fats, oils, and grease shall only be disposed of in separate storage containers for recycling by a renderer. No renderable fats, oils, and grease shall be discharged into grease trap/interceptors or AGRUs, sanitary sewers, dumpsters or storm sewers.
- (3) At a minimum, the permittee shall perform quarterly inspections of all grease trap/interceptors.
- (4) An outdoor in-ground grease trap/interceptor shall be completely emptied by a grease trap/interceptor cleaner whenever 25% of the operating depth of the grease trap/interceptor is occupied by fats, oils, grease and settled solids or a minimum of once every three (3) months whichever is more frequent. The permittee may request approval for a less frequent cleaning interval from the authorized agent following a minimum one-year of operation of the grease trap/interceptor. The permittee shall be required to show through at least four quarterly inspections or other means of determining fats, oils, grease and settled solids that the operating depth of the grease trap/interceptor occupied by fats, oils, grease and settled solids is less than 25% during each of the three-month intervals. The authorized agent may extend the minimum frequency of cleaning in writing beyond three (3) months based upon the quarterly inspections. The permittee shall maintain a written log on-site of grease trap/interceptor cleaning and maintenance, shall maintain copies of the grease trap/interceptor cleaner's receipts and shall maintain a copy of such approval for five (5) years.
- (5) For cleaning or servicing of grease trap/interceptors, including the removal and hauling of fats, oils, grease, and food wastes which are components of sewage, the permittee shall hire a grease trap/interceptor cleaner.
- (6) All AGRUs shall be maintained in accordance with the manufacturer's recommendations.
- (7) For disposal in Connecticut, the contents of all grease trap/interceptors, AGRUs and other approved units shall be disposed of at a regional collection/transfer/disposal site. For disposal outside of Connecticut, the contents of all grease trap/interceptors, AGRUs and other approved units shall be disposed of in an environmentally accepted manner.
- (8) The permittee may use hot water, steam, chemicals, or biological additives in the normal course of facility maintenance, but may not intentionally use hot water, steam, physical means, chemicals, or biological additives that will cause the release of fats, oils, and grease from the grease trap/interceptor.

- (9) No food grinder or food pulper shall discharge to any grease trap/interceptors, AGRUs or other approved units.
- (10) All wastewater flows connected to the grease trap/interceptors shall be screened to prevent solids from entering the treatment units. Screened solids shall be disposed of in accordance with applicable solid waste regulations.

(e) *Reporting and Record Keeping Requirements*

- (1) A written log of all inspections required pursuant to subsections (d)(3) and (d)(4) of this section shall be maintained for each discharge authorized by this general permit. The log shall document:
 - (A) the date of the inspection;
 - (B) the inspector's name, title and signature;
 - (C) the depth, as measured at the time of the inspection, of fats, oils, grease and food waste located within the grease trap/interceptor; and
 - (D) any maintenance work or changes in equipment associated with such discharge that has taken place at the site since the last inspection.
- (2) Except as provided in subsection (e)(1) of this section, the permittee shall retain, for a period of five (5) years at the subject facility, all inspections, cleaning and maintenance logs and analytical results from any monitoring elected to be done by the permittee. All records and reports shall be made available in writing to the authorized agent upon request.
- (3) Immediately upon learning or having reason to believe that an authorized discharge may cause or has caused a sewer blockage or may adversely affect the operations of a POTW, the permittee shall notify the POTW Authority.
- (4) Records required under this subsection as well as installation of a grease trap/interceptor as specified in either Section 5(b)(1), Section 5(b)(2), or Section 5(b)(3) of this general permit shall be sufficient to demonstrate compliance with the effluent limits established in Sections 5(c)(1) and 5(c)(2) of this general permit.

(f) *Recording and Reporting Violations*

- (1) If any analytical results from monitoring data elected to be done by the permittee or other information indicates that a violation of an effluent limitation or another condition of this general permit has occurred, the permittee shall immediately take steps to identify and correct any and all conditions causing or contributing to such violation. A log of such violations shall be maintained on site and contain, at a minimum, the following information:
 - (A) The permit condition(s) or effluent limitation(s) violated;

- (B) The analytical results or other information demonstrating such violation;
 - (C) The cause of the violation, if known;
 - (D) Dates and times during which the violation continued;
 - (E) If the violation was not corrected immediately upon being discovered, the anticipated time it is expected to continue; and upon correction, the date and time of correction;
 - (F) Steps taken and planned to reduce, eliminate and prevent a reoccurrence of the violation, and the dates such steps have been or will be executed; and
 - (G) The name, title and signature of the individual recording the information and the date and time of such recording.
- (2) If any analytical results indicate the pH exceeds the limitation listed in subsection (c)(1) of this section by greater than one unit or lower than one unit, or that fats, oils, and grease exceed the limitation listed in subsection (c)(2) of this section, the permittee shall immediately notify the POTW Authority.

(g) *Regulations of Connecticut State Agencies Incorporated Into This General Permit*

The permittee shall comply with all applicable law, including without limitation the following Regulations of Connecticut State Agencies, which are hereby incorporated into this general permit as if fully set forth herein:

(1) Section 22a-430-3: General Conditions

Subsection (b) General - subparagraph (1)(D) and subdivisions (2), (3), (4), and (5)

Subsection (c) Inspection and Entry

Subsection (d) Effect of a Permit - subdivisions (1) and (4)

Subsection (e) Duty to Comply

Subsection (f) Proper Operation and Maintenance

Subsection (g) Sludge Disposal

Subsection (h) Duty to Mitigate

Subsection (i) Facility Modifications, Notification - subdivisions (1) and (4)

Subsection (j) Monitoring, Records and Reporting Requirements - subsections (1), (6), (7), (8), (9) and (11) [except subparagraphs (9)(A)(2), and (9)(C)]

Subsection (k) Bypass

Subsection (m) Effluent Limitation Violations

Subsection (n) Enforcement

Subsection (o) Resource Conservation

Subsection (p) Spill Prevention and Control

Subsection (q) Instrumentation, Alarms, Flow Recorders

Subsection (r) Equalization

(2) Section 22a-430-4: Procedures and Criteria

Subsection (p) Permit Revocation, Denial, or Modification

Subsection (t) Discharges to POTWs - Prohibitions

Appendices

(h) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner and POTW Authority within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with subsection (j) of this section.

(i) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized discharge or to compliance with this general permit, the permittee shall provide such information within thirty (30) days of such request. Such information shall be certified in accordance with subsection (j) of this section.

(j) *Certification of Documents*

Any document, including but not limited to any notice, information or report, which is submitted to the department under this general permit shall be signed by the permittee or by a duly authorized representative of the permittee in accordance with Section 22a-430-3(b)(2)(A) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

(k) *Date of Filing*

For purposes of this general permit, the filing date of any document is the date such document is received by the department. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(l) False Statements

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with Section 22a-6, under Section 53a-157b of the General Statutes.

(m) Correction of Inaccuracies

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection (j) of this section.

(n) Other Applicable Law

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(o) Other Rights

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

(p) Change in Ownership or Permittee

Upon a change in the ownership or the permittee of a food preparation establishment, the new owner or permittee shall comply with the requirements of Section 3(b), the compliance schedule of Section 5(a) and the operating conditions of Sections 5(b) through (o), inclusive, of this general permit.

Section 6. Commissioner's Powers

(a) Abatement of Violations

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with Sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) General Permit Revocation, Suspension, or Modification

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) Filing of an Individual Permit Application

If the commissioner notifies a permittee in writing that such permittee must obtain an individual permit if he wishes to continue lawfully conducting the discharge authorized by this general permit, the permittee may continue conducting such discharge only if he files an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: September 30, 2005

GINA McCARTHY.

Commissioner

This is a true and accurate copy of the general permit executed on September 30, 2005 by the Commissioner of the Department of Environmental Protection.